

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARQUARION HENDERSON,

Plaintiff,

v.

MICHIGAN DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

Case No. 24-cv-11903

Honorable Robert J. White
Magistrate Judge Kimberly G. Altman

**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE’S
REPORT AND RECOMMENDATION AND GRANTING PLAINTIFF’S
MOTION TO VOLUNTARY DISMISS DEFENDANT “PRISON
MEDICAL PROVIDER”**

Darquarion Henderson commenced this 42 U.S.C. § 1983 action against the Michigan Department of Corrections, two prison nurses, and a “Prison Medical Provider.” (ECF No. 1). The complaint alleges that defendants violated the Eighth Amendment’s prohibition against cruel and unusual punishment when they denied him the use of a wheelchair over a four-month period.

Before the Court is Magistrate Judge Kimberly G. Altman’s April 3, 2025 report and recommendation. (ECF No. 15). The report recommended that the Court grant Henderson’s motion to voluntarily dismiss defendant “Prison Medical Provider.” (ECF No. 14). The Court will decide the motion prior to the expiration

of the 14-day objection period in Fed. R. Civ. P. 72(b)(2) because Henderson could have voluntarily dismissed this defendant even “without a court order.” Fed. R. Civ. P. 41(a)(1)(A)(i).

The Court had an opportunity to fully review the matter and believes that the magistrate judge reached the correct conclusions for the appropriate reasons. Accordingly,

IT IS ORDERED that the magistrate judge’s April 3, 2025 report and recommendation (ECF No. 15) is hereby accepted and adopted.

IT IS FURTHER ORDERED that Henderson’s motion to voluntarily dismiss defendant “Prison Medical Provider.” (ECF No. 14) is granted.

IT IS FURTHER ORDERED that defendant “Prison Medical Provider” is dismissed from this action without prejudice.

Dated: April 8, 2025

s/ Robert J. White
Robert J. White
United States District Judge